

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PHILLIP BURGESS,
also known as John W. Stinson,

Petitioner,

v.

**9:02-CV-390
(FJS/RFT)**

UNITED STATES PAROLE COMMISSION,

Respondent.

APPEARANCES

OF COUNSEL

PHILLIP BURGESS
Kansas City, Missouri 64129
Petitioner *pro se*

**OFFICE OF THE UNITED
STATES ATTORNEY**
100 South Clinton Street
P.O. Box 7198
Syracuse, New York 13261

CHARLES E. ROBERTS, AUSA

SCULLIN, Chief Judge

ORDER

Currently before the Court for its review is Petitioner Phillip Burgess' motion to dismiss this action. *See* Dkt. No. 19. In his motion, Petitioner requests that this action "be immediately withdrawn." *See id.* Respondent has advised the Court that it has no objection to Petitioner's motion. *See* Dkt. No. 21.

Accordingly, the Court hereby

ORDERS that Petitioner's motion is **GRANTED**; and the Court further

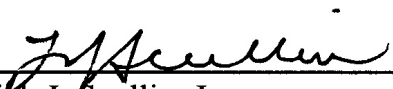
ORDERS that this action is **DISMISSED WITHOUT PREJUDICE**; and the Court

further

ORDERS that the Clerk of the Court serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 9, 2005
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge